

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Originating**

**Senate Bill 740**

[Originating in the Committee on Rules;

reported on February 27, 2023]



1 A BILL to amend and reenact §4-2A-2, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the Code of  
2 West Virginia, 1931, as amended, all relating to compensation and expense  
3 reimbursement for members of the Legislature as recommended by the Citizens  
4 Legislative Compensation Commission; modifying the basic compensation to an amount  
5 equal to the per capita income in West Virginia; modifying the per diem expense  
6 allowance for members of the Legislature when in regular, extended, or extraordinary  
7 session; modifying the compensation, per diem expense allowance, and travel  
8 reimbursement paid to designated members of the Legislature when not receiving  
9 compensation for being in attendance during a regular, extended, or extraordinary  
10 session; modifying interim compensation paid to members of the Legislature; authorizing  
11 members-elect to the Legislature to receive certain travel reimbursement; and modifying  
12 the per diem expense allowance for members of the Legislature who both commute and  
13 do not commute.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2A. COMPENSATION FOR AND EXPENSES OF MEMBERS OF THE  
LEGISLATURE.**

**§4-2A-2. Basic compensation for services; proration.**

1 (a) Beginning in the calendar year ~~2009~~ 2025 and for each calendar year after that, each  
2 member of the Legislature shall receive as basic compensation for his or her services, per  
3 calendar year, the sum of \$20,000 per calendar year the amount equal to the per capita income  
4 in West Virginia as reported by the US Census Bureau on June 30 of the prior year, rounded  
5 down to the nearest \$1,000, to be paid as provided in subsection (b) of this section. In addition to  
6 the basic compensation, members shall receive the additional compensations as are expressly  
7 provided in sections three, four and five of this article. All other increased amounts or new  
8 amounts in respect to the compensation of members of the Legislature, set forth in the resolution  
9 of the Citizens Legislative Compensation Commission, dated ~~January 9, 2007~~ January 23, 2023,

10 and implemented in this section, and §4-2A-4, §4-2A-6, and §4-2A-8 of this code providing for  
11 new amounts or amounts increased to new amounts greater than those in force and effect on  
12 January 1, ~~2007~~ 2023, become effective for calendar year ~~2009~~ 2025 and each calendar year  
13 after that: *Provided*, That increased amounts or new amounts in respect to the expenses of  
14 members of the Legislature, set forth in said resolution, and implemented in §4-2A-6, and §4-2A-  
15 8 of this code providing for new amounts or amounts increased to new amounts greater than  
16 those in force and effect on January 1, ~~2007~~ 2023, become effective for calendar year ~~2008~~ 2025  
17 and each calendar year after that.

18 (b) The basic compensation is payable as follows:

19 (1) In the year ~~2009~~ 2025, and every fourth year after that:

20 (A) ~~Five thousand~~ Six thousand five hundred dollars in each of February, March, and April,  
21 payable at least twice per month; and

22 (B) ~~Six hundred twenty-five dollars~~ The remainder of the amount allowed by subsection  
23 (a) of this section split equally in each of January, May, June, July, August, September, October,  
24 and November, payable at least twice per month;

25 (2) Beginning in ~~2010~~ 2026, in all years except those described in subdivision (1) of this  
26 subsection:

27 (A) ~~Five thousand~~ Six thousand five hundred dollars in each of January, February and  
28 March, payable at least twice per month; and

29 (B) ~~Six hundred twenty-five dollars~~ The remainder of the amount allowed by subsection  
30 (a) of this section split equally in each of April, May, June, July, August, September, October, and  
31 November, payable at least twice per month.

32 (c) In the event of the death, resignation, or removal of a member of the Legislature and  
33 the appointment and qualification of his or her successor, the compensation provided in this  
34 section for the month in which the death, resignation, or removal of the member of the Legislature

35 occurs shall be prorated between the original member and his or her successor on the basis of  
36 the number of days served, including Saturdays and Sundays in the month.

**§4-2A-3. Compensation for members of the Legislature during any extension of regular session or during extraordinary session.**

1 Each member of the Legislature shall receive, in addition to the basic compensation  
2 provided for in §4-2A-2 of this code, additional compensation of ~~\$150~~ \$200 per day for each day  
3 of attendance in person upon any business of the Senate or House of Delegates, as the case  
4 may be, on each day upon which the Senate or House of Delegates is actually called to order  
5 during each extension of regular session or during extraordinary session of the Legislature. The  
6 additional compensation shall be paid, from time to time, during any extended session or  
7 extraordinary session, as prescribed by rules established by the Legislative Auditor.

**§4-2A-4. Additional compensation for President of Senate, Speaker of House of Delegates, majority leaders, minority leaders, certain committee chairs and selected members of both houses.**

1 (a) In addition to the basic and additional compensation provided in §4-2A-2 and §4-2A-3  
2 of this code, the President of the Senate and the Speaker of the House of Delegates shall each  
3 receive additional compensation of:

4 (1) \$150 per day for each day actually served during any regular, extension of regular or  
5 extraordinary session as presiding officer, including Saturdays and Sundays; and

6 (2) ~~\$150~~ \$200 per day for attending to legislative business when the Legislature is not in  
7 regular, ~~extension of regular or extraordinary session and interim committees are not meeting~~  
8 session: *Provided, That no additional compensation shall be paid pursuant to this subdivision if*  
9 *the presiding officer is receiving compensation pursuant to §4-2A-3 or §4-2A-5 of this code.*

10 (b) In addition to the basic and additional compensation provided in §4-2A-2 or §4-2A-3  
11 of this code, the majority leaders and minority leaders of the Senate and of the House of Delegates  
12 shall each receive additional compensation of \$50 per day for each day actually served during

13 any regular, extension of regular or during extraordinary session, including Saturdays and  
14 Sundays, as the selected legislative leaders of their respective political parties.

15 (c) The presiding officer and majority and minority leader compensation shall be paid, from  
16 time to time, during any such session or interim period, as the case may be, as may be prescribed  
17 by rules established by the Legislative Auditor.

18 (d) In addition to the basic and additional compensation provided in §4-2A-2 or §4-2A-3  
19 of this code, the chairpersons of the committees on finance and committees on the judiciary of  
20 the respective houses and up to six additional persons from each house, to be named by the  
21 presiding officer, shall each receive an additional compensation of ~~\$150~~ \$200 per day up to a  
22 maximum of 30 days for attending to legislative business when the Legislature is not in regular,  
23 ~~extension of regular or extraordinary session and interim committees are not meeting session:~~  
24 Provided, That no additional compensation shall be paid pursuant to this subdivision if the  
25 presiding officer is receiving compensation pursuant to §4-2A-3 or §4-2A-5 of this code.

**§4-2A-5. Interim compensation for members.**

1 (a) In addition to the basic and any additional compensation provided for in §4-2A-2, §4-  
2 2A-3, and §4-2A-4 of this code, each member shall receive interim compensation of ~~\$150~~ \$200  
3 per day for each day actually engaged in the performance of interim duties ~~as a member of any~~  
4 ~~interim committee between regular sessions of the Legislature:~~ *Provided, That the total additional*  
5 *interim compensation payable to any member and his or her replacement, if any, on a committee*  
6 *or commission under the provisions of this subsection shall not exceed the sum of ~~\$4,500~~ \$6,000*  
7 *per calendar year.*

8 (b) In addition to the basic and any additional compensation provided for in §4-2A-2, §4-  
9 2A-3, and §4-2A-4 of this code and subsection (a) of this section, each member shall receive  
10 interim compensation of ~~\$150~~ \$200 per day for each day actually engaged in the performance of  
11 legislative duties at a meeting of any ~~statutorily created~~ legislative committee which meets  
12 between regular sessions of the Legislature and outside of regular interim meetings when

13 authorized by the committee co-chairs and approved by the President of the Senate and the  
14 Speaker of the House of Delegates, not to exceed 15 days per calendar year.

**§4-2A-6. Travel expenses.**

1 (a) Each member and member-elect of the Legislature is entitled to be reimbursed, upon  
2 submission of an expense voucher, for expenses incurred incident to travel in the performance of  
3 his or her duties as a member of the Legislature or any committee of the Legislature, whether the  
4 committee is operating under general law or resolution, including, but not limited to, attendance  
5 at party caucuses held in advance of the date of the assembly of the Legislature in regular session  
6 in odd-numbered years for the purpose of selecting candidates for officers of the two houses, at  
7 a rate equal to that paid by the travel management office of the Department of Administration for  
8 the most direct usually traveled route, if travel is by private automobile, or for actual transportation  
9 costs for direct route travel, if travel is by public carrier, or for any combination of those means of  
10 transportation actually used, plus the cost of necessary taxi ~~or limousine~~ service, tolls and parking  
11 fees in connection with the travel, but during any regular, extension of regular or extraordinary  
12 session, travel expenses shall not be paid to any member for more than one round trip to and  
13 from the seat of government and to and from his or her place of residence for each week of the  
14 session.

15 (b) In addition to the travel expense in subsection (a) of this section, the President of the  
16 Senate and the Speaker of the House of Delegates are entitled to be reimbursed as provided in  
17 subsection (a) of this section, upon submission of an expense voucher, for expenses incurred  
18 incident to travel which is related to their duties as presiding officers of the respective houses of  
19 the Legislature, but which takes place when the Legislature is not in regular, ~~extension of regular~~  
20 ~~or extraordinary session and interim committees are not meeting~~ session.

21 (c) The rate paid for mileage pursuant to this section may change, from time to time, in  
22 accordance with changes in the reimbursement rates established by the travel management office  
23 of the Department of Administration, or its successor agency.

**§4-2A-7. Reimbursement for expenses incurred during any session or interim assignment.**

1 (a) Each member of the Legislature who does not commute daily shall receive the sum of  
2 ~~\$134~~ \$175 per day as per diem allowance in connection with any regular, extended, extraordinary  
3 session, interim assignment or for any member authorized by the presiding officer. Any member  
4 of the Legislature who does commute daily shall receive the sum of ~~\$55~~ \$75 per day as the per  
5 diem allowance and, in addition to the allowance, shall be reimbursed for overnight commuting  
6 expenses at the mileage rate equal to the amount paid by the travel management office of the  
7 Department of Administration for the most direct usually traveled route, if travel is by private  
8 automobile, or for actual transportation costs for direct route travel, if travel is by public carrier, or  
9 for any combination of the means of transportation actually used, plus the costs of necessary taxi  
10 ~~or limousine~~ service, tolls and parking fees in connection with the travel: *Provided*, That the total  
11 of this per diem allowance plus travel expense for a daily commuting member may not exceed  
12 ~~\$134~~ \$175 per day. The amount for mileage paid pursuant to this subsection may change from  
13 time to time in accordance with changes in the level of reimbursement by the travel management  
14 office.

15 (b) The President of the Senate and the Speaker of the House of Delegates, the Chairman  
16 of the House Committee on Finance, the Chairman of the Senate Committee on Finance, the  
17 Chairman of the House Committee on the Judiciary, the Chairman of the Senate Committee on  
18 the Judiciary, and up to six additional persons from each house designated by the presiding officer  
19 pursuant to §4-2A-4 of this code, shall be reimbursed for travel at the rate established in  
20 subsection (a) of this section, and shall further receive the per diem allowance established in the  
21 subsection in connection with business which is related to their duties as officers at the times  
22 when the Legislature is not in regular, ~~extended or extraordinary session, and interim committees~~  
23 ~~are not meeting~~ session.